IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

WP(C).No. 30419 of 2006(U)

PETITIONERS:
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1. **K.JANARDHANAN ASSARY,**
   RESERVE CONDUCTOR (RTD), NEYYATTINKARA DEPOT,
   RESIDING AT MANGALATHU PUTHEN VEEDU,
   PAINGAKUZHI, ANAKUDI P.O., VAMANAPURAM,
   THIRUVANANTHAPURAM-695 606.

2. **R.SUKUMARAN NAIR, CONDUCTOR GRADE II**
   (RTD), VIKASBHAVAN DEPOT, RESIDING AT
   VILAYIL VEEDU, NEAR HEALTH CENTRE,
   PANGAPPARA P.O., THIRUVANANTHAPURAM-695 581.

3. **P.SURENDRAN, RESERVE CONDUCTOR (RTD),**
   CHADAYAMANGALAM DEPOT, RESIDING AT
   PARAVIZHA VEEDU, AATTAPURAM, KADAKKAL P.O.,
   KOLLAM.

4. **P.T.SKARIA, CONDUCTOR GRADE II (RTD),**
   MUVATTUPUZHA DEPOT, RESIDING AT PUTHIYEDATHU
   HOUSE, KARIMBANA, PALAKUZHA NORTH,
   KOOTHATTUKULAM, ERNAKULAM.

BY ADV. SRI.MURALI PURUSHOTHAMAN
SRI.P.M.BENZIR
SRI.DEEPU LAL MOHAN

RESPONDENTS:
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1. **KERALA STATE ROAD TRANSPORT CORPORATION,**
   REPRESENTED BY ITS MANAGING DIRECTOR,
   TRANSPORT BHAVAN, THIRUVANANTHAPURAM.

2. **STATE OF KERALA, REPRESENTED BY**
   THE SECRETARY TO GOVERNMENT, DEPARTMENT
   OF TRANSPORT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

BY ADV. SHRI.JOHNSON P.JOHN, SC, KSRTC
SENIOR GOVERNMENT PLEADER SRI.MATHEW G.VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE,J.

W.P.(C) NO. 30419 OF 2006

Dated this the 27th day of November, 2006

J U D G M E N T

Heard Sri.Murali Purushothaman, learned counsel for the petitioner and Sri.Johnson P.John, standing counsel who has taken notice on behalf of KSRTC. It is clear that the issue involved is directly covered by the Division Bench judgment of this court in **Idicula Abraham v. KSRTC and Others (2005(2) KLJ 602).** Writ petition accordingly will stand allowed.

2. There will be a declaration that the petitioners are entitled for counting the provisional services rendered by them in the Corporation along with their regular service for the purpose of quantifying the pensionary benefits due to them.

3. In view of the above declaration, there will be a direction to the 1st respondent to disburse to the petitioners all pensionary benefits including monthly pension, commuted value of pension and DCRG by reckoning the service rendered by the petitioners as provisional employees in the Corporation along with their regular service. Release of the monetary benefits flowing out of the declaration/direction given above will be made by the

KSRTC,at its earliest and at any rate, within two months of receiving copy of this judgment. It is however clarified that as far as release of DCRG and CVP are concerned, the KSRTC is free to adhere to the priorities fixed as per the guidelines formulated on the basis of the judgment of this court in W.A No.289 of 2001.

PIUS C.KURIAKOSE, JUDGE

Rp